

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 09/910,836

a mobile image data reception device, which is connectable to medical image data storage means installed in a medical facility, having a function of receiving medical image data sets stored in the medical image data storage means from the medical image data storage means and a function of storing the medical image data sets

Specifically, Koritzinsky and Sitka do not teach, suggest, or provide motivation for the claimed mobile image data reception device having a function of storing the image data sets, as claimed.

In the Office Action, the Examiner appears to allege that the medical diagnostic systems of Koritzinsky correspond to the claimed medical image data storage means and that the system controllers 30, 46 correspond to the claimed mobile image data reception device. Although Koritzinsky discloses that the system controllers 30, 46 “includes a uniform platform for interactively exchanging service requests, messages and data with service facility 22” (col. 5, lines 12-15; 47-50) there is nothing to suggest that the system controllers 30, 46 have a function of storing medical image data sets, as recited in the claim. Rather, the system controllers 30,46 merely allow the transfer of information and nothing more.

For at least the above reasons, claim 1 is patentable.

For reasons similar to those submitted for claim 1, claims 5 and 14 are patentable.

Claims 2-4, 10, 15, 18-20 and 27-28, which depend from claim 1, are patentable for at least the reasons submitted for claim 1.

Claims 7, 9/5, 9/7, 11-13, 16, 21, and 22, which depend from claim 5, are patentable for at least the reasons similar to those submitted for claim 1.

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Claims 23-26, which depend from claim 14, are patentable for at least the reasons similar to those submitted for claim 14.

In addition, claims 18-26 are patentable because Sitka fails to teach, suggest, or provide motivation for the claimed storage expiration date. Rather, Sitka merely teaches that an image may be moved from one storage device to another based on when the image was accessed. Col. 5, lines 6-8. In such a scheme, there is no storage expiration date because an image may never be deleted as long as the image was recently accessed.

Moreover, for claims 19 and 22, Sitka fails to teach, suggest, or provide motivation for an apparatus wherein the image data storage apparatus determines the storage expiration date of each of the medical image data sets by using the storage period of the medical image data set and *at least one of a date of reception of the medical image data set and a date of photographing of the medical image data set.* When an image was *requested* has no bearing on the date of reception or the date of photographing.

Lastly, in the Statement of Reasons for Allowance of the allowable claims, the Examiner acknowledges that the claims are allowable because certain features therein are not taught or suggested by the prior art. However, the language used by the Examiner in describing these exemplary features is not the same as the language contained in all of the claims. Accordingly, each individual claim is allowable based on its own language, and not based on any paraphrasing of language that may be made by the Examiner.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Susan Perng Pan
Registration No. 41,239

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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